

EXPLANATION OF

16

فُرُوقُ الْفِقْهِ

IBN AL-MIBRAD



SHAYKH AHMAD MUSĀ JIBRĪL

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh, and shower him with His aid always and forever.



[SH_AHMAD_JIBRIL](#)



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بسم الله الرحمن الرحيم

الحمد لله حمدا كثيرا كما أمر، وأشهد أن لا إله الا الله وحده لا شريك له إرغاما لمن جحد وكفر، وأشهد أن سيدنا ونبينا محمداً عبده ورسوله، صلى الله عليه وعلى آله وأصحابه ما اتصلت عين بنظر، وسمعت أذن بخبر، أما بعد

Recap

Last week, we began on the author's statements pertaining to the major impurity, and we took what's referred to by the Fuqahā as Sifatu Ijzā', pertaining to Ghusl. The bare minimum Ghusl. And we said that's only two matters and the author mentioned that. That it's only Niyyah and encompassing the entire body. We went over that. He said:

واما الطهارة الكبرى، فتحتوي على سنة، وواجب. الواجب النية وتعميم سائر الجسد.

Then we began going over what's referred to as Sifatul Kamāl. Sifatul Kamāl is a comprehensive Ghusl. The Ghusl that contains the obligatory matters and the Sunan matters that's on top of that. He starts off with the Sunan and he says والمستحب. Al-Mustahabb, we mentioned that the Shāfi'iyyah and Hanābilah consider Mustahabb like a Sunnah. Mālikiyyah have a slight discrepancy on that and Hanafiyyah have a bigger discrepancy on those terms. So والمستحب means the recommended acts. Recommended acts of what? That pertain to the Ghusl.

- And the first one he says:

غسل ما به من اذى

Washing off any filth. We said the four Imāms agreed that this was a Sunnah.

- The second one is الوضوء. Performing Wudhū'. We said the four Imāms, along with a vast majority of the Ulamā', consider it to be a Mustahabb or a Sunnah and not a Wājib. Some even went to the extent of considering it an Ijmā', but there is a dispute by Dawūd Adh-Dhāhiri and Ibn Hazm Adh-Dhāhiri, who said that Wudhū' prior to Ghusl is a Wājib. And we went over the correct view of the Jumhoor and we mentioned the proof as to why it's the correct opinion.
- The third Sunnah that the author mentions is:

والغسل ثلاثا

Washing the hands or the body thrice. We went over washing the hands three times prior to Ghusl, then we mentioned washing the entire body three times, and whether that is Sunnah or not, and we mentioned that the Rājih is that Ghusl is only one time, and we mentioned the proof on that. So, it's

غسل ما به من اذى، والوضوء، والغسل ثلاثا

Sunnah #4 – الدلك

That's three out of eight Sunan that the author mentions that we took last week, and now we'll start on the fourth one which is Ad-Dalk. Ad-Dalk means rubbing the body with the hands fully. You rub the hand over the body along with pouring the water, and there's two Masā'il under this.

- I. The first one is whether Dalk is Wājib or not. Is it a Fardh or not? The three Ulamā', with the exception of the Mālikiyyah, believe that rubbing the hands over the body along with the water is not Fardh. Mālikiyyah and Al-Muzani from the Shāfi'iyyah said it's Fardh. For those of you who memorize An-Nūniyyah by Al-Qahtāni, he said a statement about this in his poem:

والغسل فرض والتدلك سنة ... وهما بمذهب مالك فريضان

Mālikiyyah had a split as to why it's Fardh. Some said it's to make sure the water encompasses the entire body, while other Mālikiyyah said it's Wājib independently because it falls under the term Ghusl, it's included in it, it's part of it. And they also said that Dalk doesn't have to coincide with pouring the water, one can do Dalk after pouring the water so long as the body hasn't dried yet. Mālikiyyah's proof for their claim that Dalk is Wājib for Ghusl is that it's an essential part of Ghusl and there can't be a proper Ghusl without Dalk being part of it. 'Atā رحمه الله تعالى said, "Pouring water over oneself is not sufficient, one must rub over the body with his hand because Allāh سبحانه said,

حَتَّى تَغْتَسِلُوا ۚ

'Until you perform the Ghusl.' And there's no Ghusl without Dalk being part of it. There's no Ghusl without rubbing the body with the hand." They said Allāh said, سبحانه وتعالى

حَتَّى تَغْتَسِلُوا ۚ

Until you make Ghusl. Ghusl encompasses Dalk linguistically, so you have to do Dalk. Ibn Hazm رحمه الله تعالى in Al-Muhallā gave a firm and a correct response. He said, "Alleging that the term Ghusl encompasses Dalk with the hand is alleging what has no proof to back it up." And that sums up the entire response to them.

The second proof is Qiyās. They said like Tayammum, you have to wipe the hand over the face, so the same applies in Ghusl. You have to rub the hand over the entire body in Ghusl. Ibn Qudāmah رحمه الله responded to that and he said, "In Tayammum, we're ordered to wipe the face after we touch the dirt, and that can't be achieved without wiping with the hand. You can't pass the dirt over the face without wiping it with the hand. It's a physical requirement."

Ar-Rājih:

The correct and Rājih opinion is the Jumhoor's opinion that Dalk is not Wājib. It's not Wājib, why? There's no clear, authentic proof to legislate Dalk, and on top of that there's plenty of proof to show that it's not mentioned as a Wājib part of the Ghusl.

- The Hadīth that we used last week to counter the claim by the Dhāhiriyyah that Wudu is Wājib for Ghusl, it works here as well showing that Dalk is not Wājib. The Hadīth in Bukhāri, a long Hadīth where a man was Junub and there was no water, and they found water, and the Prophet صلى الله عليه وسلم gave that Sahābi رضي الله عنه a pot of water and he said:

اذهب فأفرغه عليك

“Take this water and pour it over your body.” That's one.

- Hadīth Umm Salamah رضي الله عنها we took it last week, the Messenger صلى الله عليه وسلم told her:

إنما يكفيك أن تحثي على رأسك ثلاث حثيات، ثم تفيضن عليك الماء فتطهرين

“It’s enough for you to pour over yourself three handfuls of water on your head, and then pour water over yourself and you’ll be purified.” That’s the second one.

- The third one is Hadīth Jābir رضي الله عنه. We mentioned it several times last week, which is Jābir describing the Ghusl of Rasulullah صلى الله عليه وسلم.

كان النبي صلى الله عليه وسلم يأخذ ثلاثة أكف ويفيضاها على رأسه ثم يفيض على

سائر جسده

Jābir said, that the Messenger صلى الله عليه وسلم would take three handfuls then he would pour that three handfuls of water over himself, over his head. And then he would pour more water over his body.

How are those three Ahādīth proof that Dalk is not Wājib? Just like all three of those Ahādīth proved that Wudhū' is not Wājib in Ghusl. All three of those Ahādīth show that merely pouring water over yourself, encompassing the entire body, is sufficient. He told the man رضي الله عنه, "Pour the water over yourself." He told the Sahabi, "Pour this water over yourself." He told Umm Salamah رضي الله عنها "Pour this water over yourself." When Jābir رضي الله عنه described his Ghusl, he said, "He poured water over himself." صلى الله عليه وسلم. Nowhere in there do you see any kind of Dalk or rubbing with your hand. Hadīth Umm Salamah رضي الله عنها, as we said, the Messenger صلى الله عليه وسلم said إِنَّمَا and إِنَّمَا we said [means] "all you have to do" - أداة الحصر - a limitational function - that all you have to do is pour water over yourself, nothing else. Those are three Ahādīth.

- There's a fourth Hadīth, in Sunan At-Tirmidhi, and it's in Musnad Ahmad, and Mussanaf Abdul-Razzāq. The Messenger صلى الله عليه وسلم told Abu Dharr,

إن الصعيد الطيب طهور المسلم، وإن لم يجد الماء عشر سنين، فإذا وجد الماء فليمسه

بشرته، فإن ذلك خير

“The pure, clean dirt (the earth) is a purifier for a Muslim, even if he can’t find water for ten years.” That's referring to Tayammum. “If he finds water,” then what? “Let him pour it over his skin, over himself”, and that's all the Hadīth says. Let him pour it over himself. He only mentioned the pouring over oneself without the Dalk in it.

- A fifth proof: They said that Dalk, rubbing the body, in Ghusl is something essential. It's significant. It's a major part of a Ghusl. Had it been Wājib, the Messenger صلى الله عليه وسلم would have mentioned it without delay.
- The sixth proof for Dalk not being Wājib is a Hadīth in Sahīh Muslim. When the Messenger صلى الله عليه وسلم was asked about the Ghusl of a woman after menstruation, he said,

ثم تصب على رأسها فتدلكه دلکا شديدا حتى تبلغ شؤون رأسها ثم تصب عليها الماء

“She should pour water over her head and rub it vigorously and rub it to the point that it reaches to the roots of the hair. Then she should pour water over herself.” Look how descriptive and detailed that is, “rub the head vigorously”. Yet for the rest of the body, he said just pour it over herself.

- A seventh proof is that they compared it to Najāsah. If there's Najāsah on someone and he poured a sufficient amount of water until the origin of that Najāsah was removed and washed off without Dalk, then that would be sufficient.

In the Hadīth of the Bedouin who urinated in the Masjid, what did the Messenger صلى الله عليه وسلم say? Sahīh Al-Bukhāri:

دعوه وأريقوا على بوله ذنوبا من ماء فإنما بعثتم ميسرين ولم تبعثوا معسرين

“Leave him, and pour a bucket of water where he passed the urine.” He didn’t say to rub it. So, if you poured enough water on yourself where there was Najāsah, to remove the origin of that Najāsah, it was sufficiently removed, that's sufficient. They said if you don't have to do Dalk to remove such Najāsah, how are you requiring it in Ghusl when there is no Najāsah to remove to begin with? Because they’re requiring Dalk on the body even if it has no Najāsah.

- An eighth proof that they mentioned is, they said linguistically, Ghusl does not really encompass or include rubbing or Dalk in it. What you allege is wrong linguistically as well.
- And a ninth proof that they mentioned is that requiring Dalk in Ghusl is making matters difficult with no proof to back it up. Like, for example, how are you supposed to perform Dalk on the center of your back, where you can’t even reach it? How are you supposed to do that every time you take Ghusl? That's requesting something to be Wājib where your hands can’t even reach it.

Mālikiyyah were adamant about their position; they went various routes on it.

For example, Ibn Al-Qassār from the Mālikiyyah said, “Due to the difficulty of not reaching some areas in the back, it's not required in that area.” That rationale is a

reply to them, based on what they said. Because saying Ghusl must encompass Dalk, but if you can't reach the back then that area is not required, by their standards and their definition of Ghusl, this person did not fully do a complete Ghusl. He didn't do his entire body with Dalk because of the spot he left out. Sahnūn from the Mālikiyyah said one should use a cloth to rub his back, in areas where he may not be able to reach. By the way, Sahnūn is the student of Imām Mālik, and with the help of other students he helped compile and organize the second biggest reference in the Māliki Madhhab which is Mudawwana Al-Kubrā. By the will of Allāh سبحانه وتعالى he was one of the main Ulamā' who was credited with spreading the Madhhab of the Mālikiyyah in Al-Maghrib, in the North African region, and he served it through his writings and his teachings and through his positions as a judge. Sahnūn said to use a cloth to rub where one can't reach and in Al-Sharh As-Saghir some Mālikiyyah said one should get his wife or an 'ama to rub his back, or some even said to rub it against the wall to do the Dalk. But as the Jumhoor correctly stated, it's making matters difficult with no proof to back it up.

That's the complete issue on whether Dalk is Wājib or not. The Jumhoor said it's not Wājib. Mālikiyyah said it's Wājib. We took at least nine proofs to show that the Jumhoor were correct and that it's not Wājib. Some of the proofs are general Ahādīth where the Messenger صلى الله عليه وسلم mentioned Ghusl, and at times he would mention extreme detail of Ghusl, but not mention the Dalk. Those same, overall types of proofs are how we also derived last week at Wudhū' not being Wājib, so you understand how proofs are used. Keep in mind, if there's something that acts as a barrier between the flesh and the water, for

example dry paint, or a dry Najāsah, then Dalk is Wājib in that area in order to get the water to reach the flesh.

- II. Now the next issue under this is whether Dalk is even Sunnah or not. We understand now that Dalk is not Wājib, rubbing with the hand is not Wājib. But is it Sunnah, like the author رحمه الله تعالى in this book states? Hanafiyyah and Ash-Shāfi'yyah and Hanābilah said it's Sunnah or recommended because it helps make sure the water encompasses the entire body.

Shāfi'yyah's rationale was that they said it's to free themselves from the dispute in this matter, meaning to be safe, we'll recommend Dalk. What's the opinion of the Mālikiyyah in this Mas'alah? There's no opinion, because in the previous Mas'alah we said their opinion is Wājib, so they wouldn't have an opinion here.

And I believe that Dalk being Mustahabb or a Sunnah is even questionable in itself, for two reasons. One thing is what Al-Jassās رحمه الله تعالى said. He said in the general terms of the verse, which is to wash yourself to perform the Ghusl, فَأَغْسِلُوا, he said once water runs over the body, he's done the requirement in the verse pertaining to Ghusl. Requiring anything additional, like Dalk or rubbing with the hand, is adding what's not part of it and that's not permissible in matters of 'Ibādah.

Second of all, Dalk of the entire body was not narrated in the Ahādīth that described the Wudhū' of Rasulullah صلى الله عليه وسلم. Some are so descriptive that

they mentioned intensely performing Dalk to the head, but they don't mention the same thing pertaining to the entire body. That's the fourth sunnah of the Sunan of wudu.

التيامن – Sunnah #5

The fifth one is التيامن. He said At-Tayāmun, beginning the washing with the right side. Beginning washing the right side of the body is considered a Sunnah according to all four of the Imāms. The clearest Hadīth that relates to the Ghusl and starting with the right side is a Hadīth that only mentions the head. Starting with the right side, specifying the head, and it's the Hadīth in Sahīh Al-Bukhāri and Muslim that's related by Ā'ishah,

كان النبي صلى الله عليه وسلم إذا اغتسل من الجنابة دعا بشيء نحو الحلاب فأخذ بكفه فبدأ
بشق رأسه الأيمن ثم الأيسر فقال بهما على وسط رأسه

“When the Messenger صلى الله عليه وسلم took a bath or Ghusl from Janābah, he would ask for a vessel and he took a handful of water from it, and he first would wash the right side of his head, then the left, then he took a handful and poured it on his head.” Ibn Rajab رحمه الله تعالى, his understanding of this is that it appears the Messenger صلى الله عليه وسلم encompassed his entire head with water each time. But when he started, he started with the right side and then he would encompass his entire head. The second time he would start with the left side and encompass the entire head. Al-Qurtubi رحمه الله تعالى understanding was slightly different. He was among those who were against the Ghusl

three times. He said no. He poured over his right side, not encompassing the entire head, but just doing the right side and then he would pour water over his left side, not encompassing the entire head.

And by the way, the term in the Hadīth الحلاب might be a new term for some of you. Al-Hilāb in the Hadīth was referring to a vase or a vessel, and that was something specifically (when it's called Al-Hilāb), it's the one used to milk cattle with. And sometimes it was used in Ghusl and Wudhū' as well.

That's the head, but the entire body itself doesn't have a specific Hadīth other than the Hadīth pertaining to washing the daughter of Rasulullah صلى الله عليه وسلم after she died. The Messenger said to Umm 'Atiyyah when she washing his daughter, Zaynab رضي الله عنها:

ابدأ من يمينها ومواضع الوضوء منها

“Start with the right side and with the parts of the body which are the Wudhū' parts.” What some took from that is that washing the dead person is like washing yourself while you're alive, you start with the right.

So, the first proof was for the head, it's clear that the Messenger صلى الله عليه وسلم started with the right side of his head. Second was washing the deceased and starting with the right side. And the third proof, is the Hadīth of Ā'ishah رضي الله عنها that we took several times.

يعجبه التيمن، في تنعله، وترجله، وطهوره، وفي شأنه كله

“The Messenger صلى الله عليه وسلم used to like to start with the right side in wearing his shoes, or combing his hair, or cleaning himself, and doing everything else.” That's the general Hadīth on starting with the right side. That concludes the fifth Sunnah of the Sunan of Wudhū'.

التسمية – Sunnah #6

We'll do the sixth one which is At-Tasmiyyah. He said والتسمية. Mentioning the name of Allāh سبحانه وتعالى. The first opinion is the opinion of the Hannafiyyah, Shāfi'iyyah, and Mālikiyyah. And their opinion is that saying Bismillāh in the start of the Ghusl is a Sunnah.

The second opinion is a second opinion of Shāfi'iyyah, and the second opinion by the Mālikiyyah, and that it's not part of the Ghusl. It's not Sunnah and it's not part of the Ghusl. It's been related by Imām Mālik that he said, “What is he doing? Sacrificing?” Imām Mālik رحمه الله تعالى said that because Tasmiyyah is definitely part of sacrificing, but there's no clear Hadīth on it being part of Ghusl. So Imām Mālik, in Istinkār, was saying what is he doing? Sacrificing?

The third opinion is by the Hanābilīyah, and they consider it Wājib. First opinion is Sunnah. Second opinion is that it's not Sunnah or part of the Ghusl. Third opinion is that it's a Wājib, part of the Ghusl.

The first opinion that said it's Sunnah, they use the Hadīth in Sunan Abu Dāwūd and Ibn Mājah.

كل أمر ذي بال لا يبدأ فيه بالحمد لله فهو أقطع

“Every matter that is not begun by the praise of Allāh سبحانه وتعالى is maimed.” That Hadīth is weak. It's not even direct at the Ghusl, it's not specifically mentioning the Ghusl, that's one thing. Another thing, it's a weak Hadīth. They also used the weak Ahādīth requiring Basmalah before Wudhū' and they said the same applies to Ghusl, by analogy and Qiyās. The response to that is from two avenues. We already stated when we took Wudhū' that those Ahādīth were weak, we talked about it over there. That's number one. Number two is even if they weren't weak, doing Qiyās in matters of 'Ibādah is in itself a matter that's disputed among the Ulamā' whether it's allowed or not.

The proof for the opinion that considered it Wājib, is they said it's Wājib for minor purification (for Wudhū'), so it's Wājib for the major purification which is Al-Ghusl. And like we just stated, first of all it's not proven to be a Wājib in Wudhū'. Second of all, even if it was, doing Qiyās in 'Ibādāt is a matter that Ulamā' dispute whether it's permissible or not.

The opinion that said it's not Wājib and it's not part of Ghusl, they really have a very strong argument and foundation. They said, this is an 'Ibādah and it needs proof, and there's no proof for Tasmiyyah, and Allāh سبحانه وتعالى doesn't forget, معاذ الله. If it was part of Ghusl, Allāh سبحانه وتعالى would have informed us. And they said, on top of that, the Hadīth describing the Ghusl of Rasulullah صلى الله عليه وسلم - Hadīth Ā'ishah, Maymūnah, Hadīth Umm Salamah and others - some that we mentioned and other that we didn't mention, they mentioned details but there's no mention of Bismillāh in the start of his Ghusl. So many Ahādīth describing various Ghusls of the Rasulullah صلى الله عليه وسلم, including many details, yet they did not mention the Basmalah in his Ghusl. They also said, not every 'Ibādah is preceded with a Basmalah. Yes, it's a requirement for sacrifice. It's Mustahabb for the recitation of the Qur'ān, or Dunyā matters like eating and drinking, or relationship with a wife. It's not Mustahabb, and in fact they said it may be Bid'ah, consistently doing it for matters like Adhān and Iqāmah and Salāh. So Basmalah is not Mustahabb for everything, they said.

The conclusion is, what gives Basmalah before Ghusl some weight to being permissible or Sunnah is general and nothing authentic specifically pertaining to Ghusl. It's actually general proof not specific proof that pertains to Wudhū' or Ghusl, like the Hadīth in Sahīh Bukhāri.

لو أن أحدكم إذا أتى أهله قال: باسم الله اللهم جنبنا الشيطان وجنب الشيطان ما رزقنا

If any of you prior to having relationship with his wife says, "Bismillāh, Allāhumma Jannibnash-Shaytān wa Jannib Ash-Shaytāna ma Razaqtanā." They said if Basmalah is recommended prior to something like relationship with the wife, then it should be

recommended in other matters as well. Bukhāri named a chapter in his Sahīh after this. A chapter on mentioning Bismillāh during every action and upon having relationship with one's wife.

باب: التسمية على كل حال وعند الوقاع

وقاع means relationship with a wife and على كل حال means during every action. So

Tasmiyyah is Sunnah in plenty of matters, both 'Ibādāt they said, and non-'Ibādāt - eating, drinking, entering the house, relationship with the wife, recitation of the Qur'an and other matters. So, Wudhū' and Ghusl they said, is similar to that and included in that. There's a narration in Al-Umm Ash-Shafi'i, and Al-Bayhaqi mentioned it, and Musnad Musaddad Ibn Musarhad mentioned it, and Ibn Al-Mundhir also mentioned it in Al-Awsat, that Ya'la bin Umayyah was holding a curtain to cover 'Umar رضي الله عنه while he was performing Ghusl and Ya'la bin Umayyah said, "When he ('Umar رضي الله عنه) took water to pour it over his head, he said Bismillāh and then he poured water over his head."

And we'll stop over here. JazākumAllāhu Khayra.

وصلی الله علی سیدنا محمد وعلی آله وصحبه وسلم